

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROWDY DANE BROCK,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, a government
corporation; IDA RUDOLPH-LEGGETT,
Washington State Administrator for the
Interstate Compact Commission; JOE
VANBUSKIRK, Community Corrections
Officer; ANDREA GALANDO, Hearings
Officer; and TOM GRABSKI, Community
Corrections Officer,

Defendants.

Case No. C08-5167RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Motion for Defendant Washington Department of Corrections to Provide Plaintiff With His Department of Corrections File and All Other Requested Documents Without Cost [Dkt. #50], and Motion for Montana Department of Corrections to Provide Plaintiff His Montana Department of Corrections File and All Other Requested Documents Without Cost [Dkt. #51]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff seeks a copy of his Washington Department of Corrections file, but does not want to pay the Defendant for the cost of reproducing the file. He asserts that he is indigent and is proceeding *in forma pauperis* in this case, thereby entitling him to pass the cost of this lawsuit on to the Defendants.

1 Title 28 U.S.C. §1915(a)(1) provides that the Court may authorize a litigant to commence an action
2 “without prepayment of fees or security therefor. . . .” The fee is the filing fee. A person who is
3 proceeding under this section also may be liable for costs if he does not prevail, 28 U.S.C. §1915(f)(1)
4 and must reimburse the United States for the fees and costs incurred from costs he is awarded if he
5 prevails. CR 3(b)(2), Local Rules W.D. Wash. Under §1915 and CR 3(b)(3), Local Rules W.D. Wash.,
6 the plaintiff is entitled to have the United States Marshal pay any necessary witness fees. Thus, what
7 Plaintiff is entitled to when proceeding *in forma pauperis* in this Court is the United States foregoing the
8 collection of certain fees and incurring certain enumerated costs. Plaintiff’s *in forma pauperis* status does
9 not permit him to shift the cost of discovery and other costs of prosecuting his civil lawsuit to the
10 Defendants. Plaintiff’s motion as to the Washington Department of Corrections [Dkt. #50] is **DENIED**.

11 Plaintiff also seeks his Montana Department of Corrections file. The Montana Department of
12 Corrections is not a defendant in this matter and the Court lacks jurisdiction over them. Plaintiff’s motion
13 as to the Montana Department of Corrections [Dkt. #51] is **DENIED**.

14 **IT IS SO ORDERED.**

15 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
16 appearing pro se.

17 Dated this 25th day of March, 2009.

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20 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE